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Re: Docket # EPA-R03-OW-2010-0736

I live in Cameron NY on a tributary to the Canisteo River in the upper Chesapeake Bay watershed and downstream from the Dickson waste disposal “farm” Corp. The Dicksons use about 1,000 acres in Steuben county in three towns under the names Leo Dickson & Sons Inc. and Dickson Environmental Services Inc. Since 1986, when the Dicksons began using farm land for the disposal of industrial sludges, our community has seen a degradation (at times severe) of our air and water quality.

NYDEC permits land application of wastes for the Dicksons. The Dickson Corp. is the largest private bio-solid land applicator in NY state and from the inception of their sludge business, which began with the construction of a six million gallon lagoon, they have NOT been in compliance with good farming practices or NYDEC's own regulatory directives.

I organized neighbors under the Cameron Committee for a Safe Environment (CCSE) to force compliance of the Dickson operation to DEC regulations with limited success. Our documentation of Dickson violations culminated in the closing down of their lagoon in 1993 and led to a few token fines. Air and water pollution from their waste application practices that include the failure to use any set-back buffers from roadside ditches, continued with ongoing and new documentation being submitted to NYDEC region 8 as late as this Spring and Summer regarding severe field erosion.

I noted from the NYDEC WIP Draft document dated 9/1/10 pg.15 this statement: **“....., must adhere to stringent setbacks for nutrient applications in farmlands adjacent to New York's waters, must control erosion on crop fields and must make nutrient applications in accordance with science-based nutrient management plans.”** Here the EPA might wish to see the Dickson Corp. annual reports showing phosphorous loadings. Further on the Draft reads: **“It is these stringent technical standards and the CAFO program's proven rate of implementation and enforcement that protects water quality. .... Professional management of waste at these facilities is critical to protection of water quality. That professional management is ensured by the New York CAFO permit program.”** the following under CAFO program highlights: **“New York requires erosion control to “tolerable Soil Loss” on all CAFO crop land, ....”** and the stand alone statement: **“High level of regulatory oversight”** ending **“CAFO program highlights”** from NY state Draft WIP. These statements imply a nonexistent reality with the past history of dealings and observations of the Dickson Corp. & NYDEC regulatory enforcement since 1986 to the present. The pattern of violations by the Dickson Corp. have ranged from the sloppy to willful disregard of DEC health and safety provisions in handling and applying of bio-solid wastes and municipal sewer sludges let alone no visible efforts to date for controlling erosion through “best farming practices” in spite of New

York's Agricultural Environmental Management (AEM) or Co-Operative Extension programs.

It might be interesting to the Commission that the period 1995-2006 the Dickson Corp. had received \$797,619.00 in farm subsidies including conservation subsidies, over double any other local farm operation as a way to gage the scale of their business relative to surrounding farm operations.

Relevant to the issue of cleanup efforts for the Chesapeake Bay is the past unwillingness of the NYDEC or effective impacts from County Co-operative Extension and AEM programs to bring bad actors such as the Dicksons into compliance with the aims of preventing ongoing erosion and runoff that is responsible for excessive phosphorous and other contaminant containing sediments from flowing into the streams and rivers each time we get heavy rains or snow melt during Spring runoff. This in spite of the CCSEs repeated efforts to bring this to the attention of DEC with credible documentation for 24years.

Given the lack of responsibility by the Dickson Corp. and the unwillingness or ineffectual pressure from the NYDEC, local and State farm organizations to correct this assault on the environment, affecting not only local people but the Chesapeake Bay cleanup effort, we members of the CCSE welcome EPA directives to bring NY into compliance with the aim to reduce nitrogen, phosphorous and sediments as a way to help NY waterways as much as all others downstream.

There is a standing offer to any EPA staff to take a guided tour of the Dickson Corporation's CAFO areas of operation showing the ongoing pollution of a wetland and areas of field erosion currently polluting watershed streams in order to backup claims made in this commentary. An alternate offering of substantiating comments in the form of pictures and correspondence with NYDEC concerning soil erosion will be sent upon request.

It must be stated and fully understood that the above commentary is a micro-snapshot of only one problem in one county of NY. How widespread and typical this problem is I cannot say but this is one problem that contradicts NYDEC claims of exemplary oversight for a large farm CAFO/Sludge operation and is proof that, at least in this case, much is needed to be done. NY communities in the Chesapeake Bay watershed contain many good farmers who are conservationists and who, unlike the Dickson Corp., are to be applauded for the way in which they operate their farm businesses. **Those farmers who are doing their part must not be punished by ill-crafted EPA directives because of the bad actors.** Policies and solutions must be 'critical-thought' driven to serve and further the goal of a better environment for all and not as blunt instruments that will financially punish the well managed farms of New York state.

In response to a view expressed at the Elmira NY meeting regarding New York state's participation in the WIP which stated that '**we (NY) get no benefit from the Chesapeake Bay**' implying that New Yorkers should not have to comply with the EPA science based remedy for Bay pollution control. I would remind all that: In this world we are all downstream from somebody.

Thank you for the opportunity to comment,.

Wayne Wells, member CCSE